

Meeting No. 5
March 8, 2004
Hamburg Town Board meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak Joan A. Kesner Thomas Quatroche, Jr.	Supervisor Councilwoman Councilman
Absent:	D. Mark Cavalcoli Kathleen C. Hochul	Councilman Councilwoman
Also Present:	Catherine Rybczynski James Spute Richard Boehm Gerard Kapsiak Joseph Coggins Drew Reilly Robert Hutchison Martin Denecke Tim Regan Kurt Allen	Town Clerk Finance Director Deputy Town Attorney Town Engineer Police Chief Planning Consultant Town Assessor Director of Recreation Community Development Assistant Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Catherine Rybczynski, Town Clerk, reads the following public notice as published in the Hamburg Sun and the Front Page:

7:00 p.m. Public Hearing on the increase and improvement of the Mount Vernon Sewer District.

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Hamburg, in the County of Erie, New York

March 8, 2004

A regular meeting of the Town Board of the Town of Hamburg, in the County of Erie, New York, was held at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, on March 8, 2004.

There were present: Hon. Patrick H. Hoak, Supervisor; and

Board Members: Joan A. Kesner Councilwoman, Thomas Quatroche, Jr.
Councilman

There were absent: D. Mark Cavalcoli, Councilman, Kathleen C. Hochul,
Councilwoman

Also present:

Catherine A. Rybczynski, Town Clerk,

Richard Boehm, Deputy Town Attorney

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, S-6100 South Park Avenue, Hamburg, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Mount Vernon Sewer District, consisting of the replacement of approximately 3,020 to 3,790 linear feet of existing sanitary sewer lines, installation of approximately 180 linear feet of new sanitary sewer lines, installation of manholes and other improvements to existing sanitary sewer reaches, including any equipment, furnishings, machinery or apparatus, and any ancillary or related work required in connection therewith, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law and had been mailed by first class mail to each owner of taxable real property in the District.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:

The following persons appeared in opposition to such increase and improvement of facilities:

Supervisor Hoak comments that Peter Godios is present to represent Mount Vernon Sewer District.

Mr. Godios introduces Gary Muffoletto from Nussbaumer & Clark, engineer for the project.

Mr. Muffoletto, project manager associated with the engineering firm of Nussbaumer & Clark, comments that the Mount Vernon Sewer District is proposing to replace approximately 3,790 linear feet of existing sanitary sewer, install 180 linear feet of new sewer and make repairs to existing sanitary sewer reaches. The new sewer is located between the library and Cloverbank Road and will extend from the Counties pump station to the existing sewer on the south side of Lake Shore Road. The existing sewer on the south side of Lakeshore Road will be replaced from the new sewer to Clifton Parkway, as will the existing sewers on both sides of Clifton Parkway, Lakeshore Road and Kennison Parkway. The existing sewer on the east side of Clifton Parkway from Lakeshore Road to Roanoke Drive and the first sewer reach of existing sewer on the west side of Clifton Parkway north of Lakeshore Road. Repairs will also be made to existing sewer reaches on the north side of Mount Vernon Blvd., there is one between Clifton Parkway and Norton Drive and one between Norton Drive and Roanoke Drive. The north side of Lakeshore Road (the first sewer reach east of Clifton Pkwy) the west side of Clifton Parkway (the sewer reach just east of the bend in Clifton) the east side of Cloverbank Road between Stewart Pkwy. And Mt. Vernon Blvd., and the east side of Kelsey Drive (one sewer reach between Lakeshore Road and Kirschner Pkwy). The estimated maximum cost of the proposed project is \$1,000,000, however, \$433,700 is expected to be paid from grant funds provided by the U.S. Environmental Protection Agency and to be received by the Mt. Vernon Sewer District. This means the maximum estimated local share of the project cost is \$566,300 or an estimated annual average debt service of \$46,000 per year based upon a 20 year bond. This means that the conditional annual average tax would be \$42.00 per year for a typical single family residence in the Mt. Vernon Sewer District.

Mike McNamara, 4912 Clifton, questions if he will be included in the improvement. Mr. Muffoletto responds that there is a sewer on both sides of Clifton Parkway on the lake side. The side of Clifton Parkway that is on the Lakeshore Road side will be done from Lakeshore Road to Roanoke. Then on the opposite side it is the first sewer reach from Lakeshore Road heading onto Clifton Parkway approximately 240 feet. Mr. McNamara comments so from there on, they will still have the old sewers. Mr. Muffoletto responds correct, and then there is one repair to an existing sewer reach that is on the north side of the street just after the bend. Mr. McNamara questions if there will be any requirement from the owners to make new connections. Mr. Muffoletto responds the project will include a new service lateral, a riser pipe if necessary, and then the reconnection of his service to the new sewer if he is where they are replacing the existing sewer. So, this will not require him to dig up and replace the sewer line to his house. Mr. Muffoletto responds correct. Mr. McNamara then comments that there are overflows, one is near his house, are they going to be disturbed or changed in anyway. Mr. Muffoletto responds that the overflow on his side of the street will remain as is, the overflow on the opposite side when the new sewer is installed, the overflow will be reconnected to a new manhole in the same location, but the idea is with the new sewer, that overflow will operate less frequently. Mr. McNamara comments that as it is now, they get backflow from Lakeshore Road. Mr. Muffoletto comments that this is the primary purpose of the project, to try and alleviate some of that.

Joseph Kuczkowski, 2994 Avery Drive, comments that someone told him that the sewers in Mt. Vernon were not built to handle the load that they were going to have to take. Question #1 when the apartment complexes were built off of Rogers Road did the contractor pay for the sanitary sewers for those apartments or did the residents. Question #2 when the Southshore Plaza was built, were the sanitary sewer lines paid for by the contractor or the residents of Mt. Vernon Sewer District. Also comments that he doesn't remember the last time they had an election for members of the Mt. Vernon Sewer District Commissioners. Frank Pluta, Commissioner, responds that every year they have an election. Mr. Kuczkowski comments that he doesn't remember being notified. Mr. Pluta comments that there is a notice in the Hamburg Sun. Mr. Kuczkowski questions about the sanitary sewers and the golf course. The last they heard from anyone is that they would have to live with a secondary treatment center. That would have been cheap, because they already had the treatment plant and they owned the land. The water in the lake is being polluted by the golf course and the treatment facility and they still built more homes. Who paid for those sanitary facilities. Along the Lakeshore, from Hamburg Town Park south to Old Lakeshore Road and he would bet that they don't have a treatment facility. This water is running down to the lake, why are the people in Mt. Vernon responsible for this. Another question, are they hooked up to the new treatment center where the cement plant was, because they weren't supposed to be they were supposed to build their own.

Supervisor Hoak asks Mr. Kuczkowski to put his questions in writing.

Mr. Kapsiak comments that a lot of the areas he referenced were outside the Mt. Vernon Sewer District and have nothing to do with the project. For example, the Brierwood development, the apartments, the plaza, Locksley Park, Woodlawn, Blasdell, etc. they are all outside the project.

Gary Muffoletto comments that the wastewater collection in the Mt. Vernon Sewer District was constructed in the late 20's, early 30's, that included the sewage treatment plant that was located on Rogers Road and what used to be referred to as Mt. Vernon pump station #1. Then, in the seventies the Mt. Vernon Sewer District joined the Southtowns Sewage Treatment Agency at which time they became signatory to an agreement that allowed them to discharge their wastewater to what is now the southtowns sewage treatment plant on Lakeshore Road over by Mercy flight. When they did that, they abandoned the sewage treatment plant on Rogers Road in the early 70's or 80's when Mt. Vernon became part of the southtowns sewage treatment agency and they constructed the new pump station on Lakeshore Road. Mr. Kuczkowski questions why they paid for the lines to go all the way down to the southtowns sewage treatment facility. Mr. Muffoletto comments that this is a regional approach to sewage treatment.

Councilwoman Kesner comments that they have a map of the Mt. Vernon Sewer District and she asks that Mr. Kuczkowski take a look at it so that he would have a clearer understanding of what is within that district and who is paying for what. Mr. Muffoletto comments that along Lakeshore Road, the length of the Mt. Vernon Sewer District, the State is planning on doing construction, along with the Town putting in new waterlines, so it makes sense that this would be the time to do new sewer lines. The plans, specifications and contract documents were submitted to the State for their review and comments. You do need their approval and permit.

Pat Hayes, 3019 Kirshner, questions where they could find the general scope of work for this project. Would it be available in the libraries.

Mr. Pluta comments that they could post it at the library and in different areas around the District.

Mr. Muffoletto comments that the construction will be primarily from Cloverbank, where the Cloverbank Hotel is, across and down Route 5 and then down Clifton.

Veronica Panfill, 4996 Morgan Pkwy, questions how large the sewer district is and how many homes does this improvement affect. Also, it states that there will be an annual assessment of \$42.00 per year for a typical family residence and would like them to define typical. She feels that the development along Rogers, going over the tracks, somehow affects their sanitary or storm sewers, maybe both, she would like that clarified as well.

Supervisor Hoak comments that the typical home is assessed at \$85,000, so you would have to go up or down from that.

Mr. Muffoletto comments that the district is made up of approximately 1,100 housing units.

Supervisor Hoak asks that copies of the map be made available at the Town Clerks Office.

Mr. Muffoletto comments that there are no sanitary sewer flows from the opposite side of the railroad tracks, that enter Mt. Vernon Sewer District. Mr. Kapsiak comments that all the storm sewer flows will be discharged into Barricks Creek. Councilwoman Kesner comments that she understands that the DOT is going to do some improvements along Barricks Creek.

Councilwoman Kesner questions when was the last time they replaced the sewer lines. Mr. Muffoletto comments that, to his knowledge, they have never been replaced. Since the 20's there have been repairs, but they have never been replaced. Councilwoman Kesner questions, for the record, why are they replacing them. Mr. Muffoletto responds that there has been a long, well documented history of sanitary sewer overflows and basement backups in various locations throughout the sewer district. Generally what was found, in most cases it is the result of the existing sewers not having adequate capacity to carry the flows to the Counties Pump Stations. What is happening is that flows that system is seeing are exceeding their carrying capacity which activates sanitary sewer overflows, and under extreme conditions causes basement backups. This is one part of a larger project and here, the advantage was that the sewer district had an opportunity to get some grant money from the U.S. EPA and then coordinate the work in conjunction with the States road reconstruction project.

Councilwoman Kesner comments, for clarification, there is a \$433,000 grant that is going to be applied to this and if they don't do this project now, the entire cost will go on the sewer district. Mr. Muffoletto comments that if they decided to do the project, at a later date, they would have to bear 100% of the cost which would essentially double the cost.

Mr. McNamara, 4912 Clifton, comments that he is a longtime resident and there is no question, this project is sorely needed. He has seen many floods in his basement. He has seen the street flooded and his neighbors basement flooded and he is happy to see this project going forward.

Veronica Panfill comments that he said this is part of a larger project and this problem goes back to the 20's. What is the history of every thing up the hill from Route 5 and Clifton Parkway, what has been done there, and what needs to be done and what will that cost in addition to what this project will cost.

Mr. Muffoletto responds that several years ago they replaced the sewer on Roanoke Drive which did a lot to alleviate basement backups and then on Roanoke what they had to do under certain weather events was to actually bypass pump, from sanitary manholes to adjacent storm sewers. They had to bypass pump only once since they did that. A larger project will be trying to identify the sources of infiltration and in flow and then remove them. The sewer district has taken a proactive approach, they annually clean the entire system to try and keep the system they have operating as efficiently as possible. They identified and corrected sources of excessive flow by replacing the sewer on Roanoke Drive from Lakeshore Road back to Kennison. The sewer district, for some time now, has been doing a lot to try and alleviate the ongoing problem.

Ms. Panfill comments that she is on the top and it goes all the way down to Clifton and she can't imagine what the people on Clifton are dealing with. Mr. Muffoletto comments that this system was constructed of three foot sections of vitrified tile pipe with tarred joints. Which means that all the sewer that was originally installed in the Mt. Vernon Sewer District bears a joint every three feet and the manholes are brick and mortar. It is an old system that is well maintained and giving it's age it operates quite well, but there have been ongoing problems for some time. It is the tax that the residents pay that give the sewer district the opportunity to undertake improvements. Instead of doing it in one great big project that would be an unreasonable amount of money, they are trying to do it as they can afford it. Ms. Panfill comments so, they can expect more increases. Mr. Muffoletto comments that it is possible. This is a big step in the right direction. The Roanoke improvements gave a lot of value, didn't cost a lot, and they got a lot of results out of it.

Colleen, Lakeshore Road, questions how long the project will take from start to finish. Mr. Muffoletto responds that the construction should start in July and finish in October at the latest. She then questions when they dig up Lakeshore Road what happens to driveways, the mail, plants, etc. Mr. Muffoletto comments that this is all included in the project costs. So any driveway aprons, sidewalks, mailboxes, etc. that are damaged will be replaced. She then questions what the projections are for loss of water service, will they be notified in advance. Mr. Muffoletto comments that the documents that he is familiar with require a minimum of 24 hour advance notice.

Supervisor Hoak comments that he does not see any action being taken within the next two weeks. He would like to see another meeting with residents to address a lot of the questions or comments.

Mary Hayes comments that they do have backup into basements on Kirschner Parkway, will the repairs along Lakeshore Road alleviate this or will this be addressed in the future. Mr. Muffoletto responds that this would be another area they would have to do in the future. Kirschner flows to Walbridge, which flows to Lakeshore Road, which flows to Mt. Vernon pump station Number 2. She then questions if there is at least the potential for some relief. Mr. Muffoletto comments that they believe that under certain wet weather events, the manholes that are on the inflow of sewer going to pump station #2 are actually surcharging the flows continuing down Lakeshore Road towards Cloverbank. So, during extreme wet weather events there would be an indirect benefit.

Supervisor Hoak thanks everyone who commented.

I.

RESOLVED, that the Town Board table the public hearing at this time.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Kesner, Quatroche

Noes: None

Carried

7:15 p.m. Public Hearing for the adoption of an amendment to the Zoning Code for 16.5 acres of Town owned property adjoining the Penn Dixie Fossil Site to be rezoned from M-1 and M-2 to PR.

Catherine Rybczynski, Town Clerk, reads the following public notice as published in the Hamburg Sun and Front Page:

LEGAL NOTICE
TOWN OF HAMBURG

PLEASE TAKE NOTICE that there has been presented to the Town Board on February 9, 2004, pursuant to the Municipal Home Rule Law, a proposed local law to be known as proposed local law #1, 2004; said local law provides for the amendment of Local Law #10, 1986, Chapter 280 – Zoning and provides substantially as follows:

For the adoption of an amendment to said Zoning Code for 16.5 acres of Town owned property adjoining the Penn Dixie Fossil Site. The property is to be rezoned from M-1 (Industrial Park-Research and Development District) and M-2 (Light Industrial District) to PR (Park/Recreation Lands District) and further described as follows:

PROPOSED REZONING
M-1 and M-2 to PR

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 8, Township 9, and Range 8 of the Holland Land Company's Survey, being further identified as all of tax map Parcel No. 160.09-5-4.11, and being more particularly bounded and described as follows:

BEGINNING at a point on the north line of North Street and the west line of West Street, as shown on Map Cover 694 filed in the Erie County Clerk's office; thence northerly and parallel with the west line of Lot 8, a distance of 1302.24 feet to the south line of the Hamburg Natural History Society, Inc. property; thence easterly along the south line of the Hamburg Natural History Society, Inc. property, a distance of 500 feet; thence southerly and parallel to the west line of Lot 8, a distance of 1177.23 feet; thence easterly along the south line of the Hamburg Natural History Society property, a distance of 627.59 feet; thence southerly at a right angle, a distance of 125 feet to the north line of North Street; thence westerly along the north line of North Street, a distance of 1125.72 feet to the point or place of beginning, and containing an area of approximately 16.75 acres.

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will hold a public hearing on March 8, 2004 at 7:15 p.m. (local time), at which time all interested persons may be heard.

Dated: February 9, 2004

Catherine Rybczynski
Town Clerk
Town of Hamburg

Catherine Rybczynski, Town Clerk, states that there is one item of correspondence which is a letter from Gerard Koenig, Planning Board Chairman, forwarding a positive recommendation to the Town Board on this 16.6 acre parcel to a Parks-Recreation District for the following reasons:

1. This property is contiguous to an existing park owned by the Hamburg Natural History Society for public use.
2. The property offers a good buffer between residential properties and industrial areas.
3. the proposed change is a good use of the property.

Councilwoman Kesner comments that she had the opportunity to meet with the Hamburg Natural Historical Society to discuss this rezoning of land adjacent to the fossil quarry. They looked at the future use of that land. People from all over the world are now coming to this site and people from Universities are working with them, and all the museums as well. They are looking at taking the 16.5 acres and expanding the fossil site. The reason they would like to see this happen is that the activities at the site have expanded ten fold. They would like to change the entrance to the park off of the Jeffrey Boulevard site. This would be more suitable to handle all the traffic and activities. They have received a lot of complaints from the residents in that area concerning buses on their streets and the public walking through their yards. They want to protect the existing housing stock in that area and so this is a win, win situation for everyone in that area. The fossil quarry will have a first class entrance and this will be removed from the housing in the area. They feel that this is the best thing to do for everyone concerned. They are taking an extra step to make this fossil site a world class operation.

Drew Reilly gives a presentation showing the audience a map of the area that is being rezoned which adjoins the fossil quarry. Councilwoman Kesner points out the present entrance and where they plan to put the future entrance. Mr. Reilly now comments on the zoning of the property and surrounding properties. The fossil quarry is now zoned PR. They are looking to rezone the property to the PR zoning district. The Town does not want to sell this property with the industrial zoning that it has now and, with the Planning Boards recommendation, they would like to rezone it to PR and have it act as a buffer between the residential and industrial in the area. The town is not proposing a project for this property. This is not Town park land. This is land held by the Town, purchased with Community Development dollars, with the idea that possibly in the future they could do an affordable housing project there. It was not purchased for park land, it is just Town owned land that they are changing to the appropriate zoning. He then describes the uses for the Park Recreation District as follows: Publicly owned recreation uses (passive or active); privately owned passive recreational uses such as conservation areas and public education facilities relating to the environment; Wildlife reservations and sanctuaries, including related structures (fishing area, ponds, etc.). the following recreational uses, both public and private (special use permit required): Golf courses, Sportsman and gun clubs, Tennis facilities, Ice-skating facilities Basketball, baseball, etc, picnic grounds and beaches.

Supervisor Hoak asks Mr. Reilly to go back to the zoning map. He then points out Ford Motor Company and comments that when they purchased this ten years ago the goal was that since there were millions of fossils there and they wanted to protect it, they used Federal dollars to purchase it. They used 30 acres for the fossil site, 10 acres was for affordable housing which is the Shannon Subdivision and 10 acres was for Industrial development. The fossil quarry has been such an immense success that they are thinking of purchasing that property from the Town. The Town cannot utilize that money. They must take it and return it to HUD in the Hamburg account to dispense for another HUD project in our Town.

Clara on Bond Street comments that since they would like to put the entrance off of Jeffrey Blvd. she would like assurance that Bond will stay a dead-end street. Councilwoman Kesner responds that there hasn't been any consideration given to the traffic, but they will take that into consideration when they start putting their plans together. Supervisor Hoak comments that this is a good time to bring that up. He then comments that a letter to the Traffic Safety Committee would be a good idea. Clara's husband comments that there is a gas line running right down that road and that concerns them, if there is more traffic going up and down it could rupture. They will send a letter.

George Lee, Deputy Mayor Village of Blasdell, comments that since the 1980's he has been working on the Penn Dixie project and he feels this is nothing but a win, win situation for the Town of Hamburg.

II.

RESOLVED, that the Town Board close the public hearing at this time.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

III.

RESOLVED, that the Town Board approve the minutes from the following meeting:

February 23, 2004 Town Board Meeting

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

IV.

RESOLVED, that the Town Board approve the Hamburg Township VFW Post #1419 to declare Thursday, May 6th, Friday, May 7th and Saturday, May 8th as “Buddy” Poppy campaign in the Township of Hamburg.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

V.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Senior Services/Adult Day Services as follows:

1. Fulford, Deborah	P/T Rec. Attendant Senior Services	02/09/2004	Terminate
2. Spaulding, Ashley	P/T Rec. Attendant Adult Day Services	02/11/2004	\$7.25

Moved: Kesner Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

VI.

RESOLVED, that proposed Local Law #10 of 2003, concerning the rezoning of 13 acres of property owned by Connie Sue Miller (Agent: Todd Klubeck) located on Willet Road from R-1 (Single Family Residence) to R-A (Residential Agricultural) be removed from the table.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

VII.

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Hamburg Town Board has reviewed the application submitted by Todd Klubek for the rezoning of 13 acres, located on Willet Road from R-1 (Single Family) to R-A (Residential Agricultural) under the amended zoning law as of January 26, 1998, and

WHEREAS, the Town of Hamburg Planning Board during its review found no apparent significant environmental concerns and has recommended the rezoning, and

WHEREAS, this rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations.

THEREFORE BE IT RESOLVED, that the Town of Hamburg has determined that the proposed rezoning and subsequent use of the site are not anticipated to result in any significant effect on the environment, and that a Negative Declaration (Notice of Determination of Non-Significance) is hereby issued.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the Environmental Assessment Form.

Moved: Hoak

Seconded: Quatroche

Roll Call: Ayes: Hoak, Kesner, Quatroche

Noes: None

Carried

VIII.

WHEREAS, the Town of Hamburg has received a petition from Todd Klubek (Agent) for the rezoning of 13 acres of property located on Willet Road from R-1 (Single Family Residence) to R-A (Residential Agricultural), and

WHEREAS, the Planning Board has reviewed the project and recommended its approval to the Town Board, and

WHEREAS, the Town Board has held the appropriate public hearing and has determined that the project will not have a significant effect on the environment and issued a Negative declaration under State Environmental Quality Review Act, and

WHEREAS, the Town wishes to approve the proposed rezoning for the following reasons:

Supporting Reasons

1. The project is in accordance with the Town's Comprehensive Plan which supports Agricultural use and protection in the Town.
2. The rezoning will allow for the use of the existing Greenhouses on site, and return the property to a previous use.

Conditions on the Rezoning

1. Due to property size constraints there shall be no raising or keeping of livestock on the property.
2. The project will receive site plan approval by the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the zoning code of the Town of Hamburg be amended as follows:

To amend Local Law #10 of the year 1986, Chapter 280 of the Code of the Town of Hamburg entitled "Zoning". To provide for a change in the boundaries of the zoning map whereby the zoning is changed from R-1 (Single Family Residence) to R-A (Residential Agricultural) for the property located on Willet Road as described as follows:

ALL THAT TRACT or parcel of land situate in the Town of Hamburg, County of Erie and State of New York, being part of lot No. 437, T-10, R-7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point on the south line of Willet Road (as 49.5 feet wide) at its intersection with the southerly line of land conveyed to the Terminal Railway by deed recorded in the Erie County Clerk's Office in Liber 747 of Deeds at page 125; thence easterly along the south line of Willet Road a distance of 250 feet to a point; thence southerly at a right angle with the south line of Willet Road a distance of approximately 660.11 feet to a point on the northerly line of lands conveyed to the Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 6672 of deeds at page 47; thence running westerly along the northerly line of said Niagara Mohawk Power Corporation lands 700.82 feet to an angle point; thence northwesterly along the northeasterly line of said Niagara Mohawk Power Corporation lands to its intersection with the southerly line of the said lands of the Terminal Railway; thence northeasterly along the southerly line of the said Terminal Railway lands to its intersection with the southerly line of Willet Road which is also the point or place of beginning, and

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

IX.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board authorize the Finance Department to increase Account No. A7270.206 – Skate Board Equipment in the amount of \$1,000 through the Appropriated Fund Balance A599. This money was received from the Tony Hawk Foundation last fall and the Recreation Department would like to finish a piece of the skate park with this donation.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

BE IT RESOLVED that the Town Board approves the out of town travel of the Town Clerk, Catherine Ryczynski to Saratoga Springs on April 18-21, 2004 for the Annual Town Clerk's Conference. Estimated costs are \$ 592.00 and funds are available in A1410.492.

[illegible]

XII.

BE IT RESOLVED, that the Town Engineer's report on the completion and acceptance of the RICHWOOD ACRES PART 2 SUBDIVISION work performed under Public Improvement Permit Nos.806, 832, 833, 834 and 835 be received and accepted, and that the Supervisor is authorized to sign the report.

BE IT FURTHER RESOLVED, that the Town Board authorize New York State Electric and Gas (NYSEG) to connect a total of three (3) 50-watt high pressure sodium luminaries located on Richwood Drive, and three (3) 50-watt high pressure sodium luminaries located on Woodrich Court, in accordance with the existing rate tariff, and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be provided to the Engineering Department for transmittal to NYSEG.

Moved: Hoak Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

XIII.

WHEREAS, the Town of Hamburg has received a site plan application from Stoltz Management for modifications to the McKinley Mall, and

WHEREAS, the McKinley Mall project was subject to an Environmental Impact Statement (EIS) process for its original approval, and

WHEREAS, the Hamburg Town Board, acting as Lead Agency, made a Positive Findings (project would not have an impact on the environment) and determined that all future actions at the McKinley Mall site would be subject to Town Board approval, and

WHEREAS, the Hamburg Planning Board has reviewed this project and recommended approval of the action, and

WHEREAS, the Town of Hamburg has determined that the project is in conformance with the original approval of the mall and with the SEQR findings;

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board, in accordance with the State Environmental Quality Review Act (SEQRA), has determined that the project is in accordance with the SEQR findings of the McKinley Mall project and a supplemental EIS is not required.

BE IT FURTHER RESOLVED, that the Hamburg Town Board approve the site plan application for this project, conditionally upon the Engineering and Planning Department signing off on the plans.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

Supervisor Hoak announces that there is new ownership at McKinley Mall and they have decided to invest quite a bit of money in our community. They want to share with the audience some of the concepts and ideas.

The group introduces themselves:

Mark Cursio, Stolz Management, is the Vice President of retail properties
Stephani Gambino marketing manager at McKinley Mall.
Sheila Ransbottom works with the engineering group.

Stephani comments that the new look for McKinley Mall will feature the use of natural materials. The design includes a new food court with a better variety of tenants, a children's play area, a new center court which will be the focus of the shopping experience and new lifestyle retailers that will have exterior facades and entrances that will enhance the visual appeal of the center from the street.

Mr. Cursio shows the audience the new design. Describing that they are looking to expand the area between JC Penneys and Bon Ton and Sears and Bon Ton. Basically they are looking to create some more dramatic architecture. As you approach the center, the look needs to be more appealing. They are looking to build store fronts in that area, upgrading the architecture and the entrances. Taking that idea one step further, some of the interior improvements include taking the food court, which is antiquated and old, and locate it to a more exterior location and give it new seating and a whole new concept. They want to make for a more comfortable place to visit and shop.

Joe Kilian asks them to look into lighting in the back of the Mall for parking security.

Chris Waldinger, 109 Arthur, comments that she works at Rainbow and is concerned whether they are going to move her store. Mr. Cursio responds that the Rainbow will stay in its present location.

Supervisor Hoak asks them to give a time table for completion.

Mr. Cursio responds that they have to get certain approvals internally with existing tenants. Their goal is to start this year, but they have things that are out of their control that they are working on them.

Joe Kilian asks if there could be cameras and a guard at the children's play center, we hear about too many abductions. Mr. Cursio understands and comments that security in those areas are paramount. They designed it in a way that there is only one way in and out and they take this into account when they design and area like this.

George Lee, Deputy Mayor of Blasdell, questions on the food court if they could look into having outside seating. Mr. Cursio comments that they are looking into those type of amenities. George comments that you see more and more of this throughout the country, being able to go outside with a cup of coffee or tea. Mr. Cursio agrees and they are looking into making the outside more comfortable so people could go out and relax.

Felice Krycia, Hamburg Sun, comments that there have been some problems with youth in the Mall, especially in the summer. Will they be taking any extra steps to increase the security. Mr. Cursio comments that from a security point of view, they have a very well trained staff and they have a strong policy for policing youths. She has heard of numerous elderly people being intimidated.

Stephani responds that often others will hear things before they would come and tell her. The last figures they have from their customer intercept survey was there was a 98% approval rating on security.

Mr. Cursio comments that in the customer interviewing they have done, they have only heard positive things concerning security.

Councilwoman Kesner comments on the following resolution stating that this is very good news that the Town of Hamburg gets over ½ a million dollars for various projects. The first resolution talks about the original game plan and how it is changed. They increased their domestic violence appropriation because they received more money than they had planned.

WHEREAS, the Hamburg Town Board adopted the following listed use of Community Development Block Grant funds for the 2004 program year at its year end meeting:

Planning & Program Administration	\$ 80,000
Public Service; Senior Aquatic Fitness (Continuation):	\$ 25,000
Public Service; Battered Spouse/Domestic Violence (Continuation):	\$ 50,000
Public Facilities; Village of Hamburg (Infrastructure):	\$145,000
Public Facilities; Village of Blasdell (Infrastructure):	\$100,000
Hometown Housing Program “Existing Home Conditional Grant” Program:	\$100,000
TOTAL:	\$500,000, and

WHEREAS, at the time of the resolution there was no federal budget in place for the 2004 federal fiscal year, and

WHEREAS, the Town of Hamburg's 2004 Consolidated Action Plan was submitted as scheduled on February 13, 2004 with funding estimates provided by the United States Department of Housing and Urban Development and the Department of Community Development, and

WHEREAS, in late January of 2004, the Fiscal Year 2004 Appropriations Bill was signed by the President thus authorizing Fiscal Year 2004 funds for the CDBG and HOME programs.

NOW THEREFORE BE IT RESOLVED, that the Hamburg Town Board adopt the following AMENDED use of Community Development Block Grant funds for the 2004 program year:

Planning & Program Administration	\$ 89,000
Public Service; Senior Aquatic Fitness (Continuation):	\$ 25,000
Public Service; Battered Spouse/Domestic Violence (Continuation):	\$ 70,000
Public Facilities; Village of Hamburg (Infrastructure):	\$145,000
Public Facilities; Village of Blasdell (Infrastructure):	\$100,000
Hometown Housing Program New Construction Conditional Grant Subsidy:	\$100,000
TOTAL:	\$529,000

BE IT FURTHER RESOLVED, that Supervisor Patrick Hoak, an official representative of the Town of Hamburg be authorized to sign any further documents required by HUD for compliance in this regard or for amending the Town of Hamburg's Consolidated Action Plan for the 2004 Program Year.

Moved: Kesner Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
Noes: None
Carried

XV.

WHEREAS, the Hamburg Town Board recognizes that it is illegal to discriminate in the sale or rental of housing based on race, color, religion, national origin, sex, marital status, disability, age, familial status and source of income, and that Federal and State and Town laws have been enacted to protect housing opportunities for all persons, and

WHEREAS, the Hamburg Town Board has appointed a Fair Housing Officer to ensure that housing opportunities within the Town of Hamburg are available for all residents, and

WHEREAS, Housing Opportunities Made Equal Inc. (HOME) has since 1963 provided comprehensive Fair Housing services to landlords, tenants and individuals, and has ensured that the Town of Hamburg Fair Housing Officer and Department of Community Development are updated on all new and changing Federal and State Fair Housing laws.

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign a one year contract covering the period of April 1, 2004 to March 31, 2005 between the Town of Hamburg and Housing Opportunities Made Equal Inc. (HOME) to provide the Town of Hamburg with the comprehensive Fair Housing services. New and expanded services to be provided within this contract period include:

- A) Hamburg Code Review assistance (Chapter 109 of the Code of the Town of Hamburg).
- B) Participation and input with the Fair Housing portion of the Town of Hamburg's new Five Year Consolidated Plan being implemented for Program Years 2005 - 2009. This pertains to the required Fair Housing aspect of the Town of Hamburg's new Five Year Consolidated Plan as required by the United States Department of Housing and Urban Development.
- C) Enhanced technical assistance with the Town's Hometown's Housing programs.

The overall contract with HOME will ensure the town's compliance with its Fair Housing Certification as required by the United States Department of Housing and Urban Development (HUD) for the towns CDBG, HOME and ADDI programs. Funding for this contract in the amount of \$20,000.00 is available in the Community Development Block Grant Program Administration account CD 8686.350 and/or Program Income Account.

[illegible]

WHEREAS, On January 26, 2004 the Hamburg Town Board authorized the Department of Community Development to release a “Request for Proposals” for completion of the Town of Hamburg’s new “Five Year Consolidated Plan” as required by HUD for the federal CDBG, HOME and ADDI programs, and

WHEREAS, the following consultants submitted proposals for the project:

<u>Consultant:</u>	<u>Bid:</u>
H. Sicherman and Company, Inc. (Amherst, NY)	\$34,000.00
River Street Planning and Development (Troy, NY)	\$47,960.00

Moved: Kesner Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, the Village of Blasdell has entered into a Cooperative Agreement with the Town of Hamburg in order to receive Community Development Block Grant funds from the Department of Housing and Urban Development and,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Blasdell for the use of these funds.

Moved: Kesner Seconded: Quatroche
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, the Village of Hamburg has entered into a Cooperative Agreement with the Town of Hamburg in order to receive Community Development Block Grant funds from the Department of Housing and Urban Development and,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign the agreement by and between the Town of Hamburg and the Village of Hamburg for the use of these funds.

Moved: Kesner
Seconded: Quatroche
Roll Call:
Ayes: Hoak, Kesner, Quatroche
Noes: None
Carried

XIX.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

1. Barbara LaRosa	P/T Clerk Typist	03/12/2003	Terminate
2. Barbara LaRosa	Seasonal Clerk Typist	03/15/2004	\$9.97

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

XX.

WHEREAS, the Hamburg Town Park Beach concession lease has expired, and

WHEREAS, said Beach is scheduled to open in early June 2004.

THEREFORE BE IT RESOLVED, that the Town advertise legal notices for request for proposals to operate the Town Park Beach concession stand for the 2004-2005 season. Bid opening will be held on March 22nd at 2:00 p.m.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

XXI.

WHEREAS, the Town of Hamburg Recreation Department will be purchasing arts & crafts supplies, athletic equipment, and staff uniforms in 2004, and

WHEREAS, the Department would like to bid out specifications for the purpose of buying at the lowest possible cost,

NOW THEREFORE BE IT RESOLVED, the Town advertise separate legal notices for bids on (1) arts & crafts supplies, (2) athletic equipment, and (3) staff uniforms.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

XXII.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1. Klump, Gary	B7310(320)	03/08/2004	\$9.50 P/T
	Rec. Attendant		

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

OPERATING FUND:

BATCH #22	\$5,000,000.00	911346
BATCH #23	\$3,624,230.90	911437-91144
BATCH #24	\$1,000,000.00	911446
BATCH #25	\$ 100.00	911447
BATCH #26	\$ 290,861.81	911448-911553
BATCH #27	\$1,841,483.07	911555
BATCH #28	\$ 136,067.47	911559-911674
BATCH #29	\$ 87,082.19	UNPROCESSED
PRTRN #5	\$ 538,415.65	911445

TOTAL OPERATING FUND DISBURSEMENTS: \$12,518,241.09

TRUST & AGENCY

BATCH #9	\$ 69,983.21	570075-570091
BATCH #10	\$ 522,919.88	570092-570096
BATCH #11	\$ 9,501.25	570097-570098
BATCH #12	\$ 202,464.06	570099

TOTAL TRUST & AGENCY DISBURSEMENTS:	\$ 804,868.40
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CAPITAL FUND DISBURSEMENTS:

BATCH #14	\$ 370,000.00	720090
BATCH #15	\$ 8,134.00	720091-720099
BATCH #16	\$ 520,000.00	720100
BATCH #17	\$ 250,000.00	720101
BATCH #18	\$ 27,343.66	UNPROCESSED

TOTAL CAPITAL FUND DISBURSEMENTS: \$1,175,477.66

PAYROLL:

Pr #5	\$ 500,984.71
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TOTAL PAYROLL DISBURSEMENTS:	\$ 500,984.71
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TOTAL PETTY CASH DISBURSEMENTS:	\$	0.00
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TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$15,000,351.56

Moved: Hoak
Seconded: Quatroche

Roll Call:
Ayes: Hoak, Kesner, Quatroche
Noes: None
Carried

Reports From Town Board Members and Department Heads

Councilwoman Kesner comments that she has a list of Firefighters that serve our Town from various Fire Companies that have been selected to receive a firefighters award and their names will be displayed on the plaques that are hung in the main lobby of Town Hall. They are as follows: David Patton, Big Tree, Stan Fiegle, Big Tree, John Ryan, Big Tree, Thomas Ciesla, Scranton, Rick Dimpfl, Hamburg Volunteer Fire Co., Steve Strnad, Scranton, Richard Kruzuski, Scranton, Don Paul, Lake Shore, Bill Volten, Scranton, Robert Treanna, Scranton, Jack Burger, Scranton, Ken Landes Scranton and Ray Smith, Big Tree, who is Assemblyman Dick Smith's father. She publicly thanks them for the service to our Town.

Correspondence

Supervisor Hoak waives correspondence at this time.

Supervisor Hoak reports that we have good news tonight. We passed several resolutions for the Community Development Department and he would like to point out that in our formula the Village of Hamburg is allotted \$90,000 and we were able to give them \$145,000 and the Village of Blasdell is allotted \$25,000 and they were able to give them \$100,000. This is approximately The seventh consecutive year that they at least doubled the contributions to the Villages. He thanks Mr. Hull, the Community Development Department and Councilwoman Kesner for bringing this money to the Town. He also wants to share that Councilwoman Hochul had a family situation she had to attend to so she could not be here this evening. She is quite religious in attending the meetings and she sends her best to everyone.

Mr. Kapsiak, Town Engineer, announces that Highland Acres Sewer Project is just about complete and within the next week or two they should be able to activate it and start receiving service from the homes along Big Tree and South Park. Also in the next week or two the Sewer Project in the Engle Drive area will be starting construction and the Industrial Access should be starting construction.

Tim Regan, Community Development Assistant, comments on correspondence #32 stating that houses don't last longer than six months on the market in Hamburg, so this doesn't apply to us.

Supervisor Hoak comments that Mr. Kuczkowski brought up the Wanakah Water Works Building and how the Town became involved with it. He asks Mr. Kapsiak to give a brief history.

Mr. Kapsiak comments that this was formerly owned by the Wanakah Water Company. The residents came to the Town Board with a petition, which went to referendum in 1988 and it was approved with a 6-1 vote of the property owners in the Wanakah Water area. In doing that the Town acquired the assets of the Wanakah Water Company through the Wanakah Water District. In all Town Water Districts, the Town Board serves as Commissioners of that District and they are the decision makers on what happens within the district.

Business From the Floor

Joe Kilian comments that the Town was the agent in the sale and that is how they ended up being owner. Supervisor Hoak comments, lets say the Wanakah Water District building was sold, the money from the sale goes back into the water district not to the Town. Joe comments that they also got referendum rights to approve or decline the sale of the property.

Joe also questions if there are two group homes going in on McKinley and Clearview near Lake Street. Supervisor Hoak comments that by law they need to contact the Town, at least 30 days in advance, and he has not received notification on that.

Kurt Allen, Supervising Building Inspector, comments that there is a group home going in on Lake Avenue across from Jubilee. There has been notification on that.

XXIV.

RESOLVED, that the Town Board adjourn at 8:45 p.m.

Moved: Hoak Seconded: Kesner
Roll Call: Ayes: Hoak, Kesner, Quatroche
 Noes: None
 Carried

Catherine Rybczynski, Town Clerk

Correspondence – March 8, 2004

26 – To Supervisor Hoak from the Town Clerk's Office, the Monthly Report for February 2004 with receipts totaling \$43,161.45.

27 – To the Town Board from Jean I. Lord, 87 Robert Street, Hamburg, wanting to inform them of her objection to Benderson Development and the proposed Tops market on Milestrip Road.

28 – To the Town Board from Marilyn Wershoven, President – Hamburg Sr. Citizens Travel Club (with 76 signatures) stating that on February 20, 2004, due to renovations in the Court Room, they were relegated to Room 7B in the basement which was overly crowded and necessitated some people sitting on tables or standing. Respectfully requesting that they have a permanent meeting room assigned to them for 2 hours a month.

29 – To the Town Board from Hamburg Township VFW Post #1419 requesting permission to sell "Buddy Poppies" May 6th, May 7th and May 8th. (prefiled)

30 – To Supervisor Hoak from the Village of Blasdell stating that they adopted a unanimous resolution to terminate the contract with the Town of Hamburg and the Hamburg Police Department for Police Services provided by virtue of the same.

31- To Catherine Rybczynski, Town Clerk, from Frontier central School District requesting the use of seven voting machines for their annual School Budget Vote and Board Candidate Election to be held on May 18th. (prefiled)

32 – To the Town Board from Erie County Legislators, a resolution stating that the Erie County Legislature supports the Dollar Home initiative which makes it possible for local governments to improve neighborhoods, develop affordable and sustainable homeownership, and serve as catalysts for community redevelopment.

33 – To Chief Coggins from Medaille College informing him that they have invited Officer Scott Fraser to be a guest speaker on April 22nd for their course entitled Child Abuse, Substance Awareness, SAVE Legislation and Other Current Issues in Education.